

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRANK CIARAMELLA, LILLIAN VELAZQUEZ,
ANNEMARIE WALKER, ANTONIO MARTIN,
CHRISTOPHER RUSSO, MATTHEW ADINOLFI,
JODY VIRTUOSO, YVONNE HAWKINS, BLANCA
COREAS, and BRENDA PERRY, on behalf of
themselves and all others similarly situated,

Plaintiffs,

- against -

JAMES V. MCDONALD, as Acting Commissioner of
the Department of Health,

Defendant.

No. 18 Civ. 6945 (~~MKV~~) (SC)

**~~PROPOSED~~ ORDER GRANTING FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND GENERAL RELEASE**

WHEREAS, this Action was referred to United States Magistrate Judge Sarah L. Cave to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73 (ECF No. 313);

WHEREAS, the Parties have entered into a Stipulation of Settlement and General Release (ECF No. 305-1) (the “Stipulation” or “Settlement”), which recites the procedural history of this Action;

WHEREAS, the definitions set forth in Section II of the Stipulation are used herein unless otherwise noted;

WHEREAS, Plaintiffs moved for an order preliminarily approving the Settlement on May 1, 2023 (ECF Nos. 304-06);

WHEREAS, on August 17, 2023, following review of the Parties’ Stipulation and accompanying filings, the Court entered an Order Granting Preliminary Approval of Class Action

Settlement and General Release, and Approval of the Proposed Class Fairness Notice (ECF No. 310) (the “Preliminary Approval Order”);

WHEREAS, notice of the Settlement and Fairness Hearing was provided to the Class Members substantially in accordance with the Stipulation and the Preliminary Approval Order;

WHEREAS, the Preliminary Approval Order required that written objections by Class Members be postmarked no later than September 4, 2023;

WHEREAS, by joint letter dated August 21, 2023, the Parties sought an extension of time for Class Members to respond to the Settlement, and by Order dated August 21, 2023 this Court granted the Parties request to extend the time for Class Members to respond to the Settlement and extended the time for Class Members to respond to the Settlement to September 18, 2023, and no such objections have been received by the Court or the Parties;

WHEREAS, a Fairness Hearing was duly held on September 25, 2023 before this Court pursuant to Federal Rule of Civil Procedure 23(e)(2) to determine whether the terms and conditions of the Settlement are fair, reasonable, and adequate for the settlement of all claims asserted by the Class Members;

WHEREAS, no Class Members appeared, sought to be heard, or otherwise objected to the terms of the Settlement at the Fairness Hearing;

WHEREAS, the Court has considered all matters submitted to it at the Fairness Hearing, along with all prior submissions by the Parties regarding the Settlement, in assessing whether the Settlement is fair, reasonable and adequate within the meaning of Rule 23(e) of the Federal Rules of Civil Procedure; and

WHEREAS, the Court finds that the requirements of Rule 23(e) of the Federal Rules of Civil Procedure and other laws and rules applicable to final settlement approval of class actions

have been satisfied.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. This Final Approval Order hereby incorporates by reference the Stipulation and its accompanying Exhibits (ECF Nos. 305-1-7) in their entirety, attached hereto as Exhibits A-A.7.

2. The Settlement is procedurally fair, resulting from arm's-length negotiations conducted by the Parties' counsel.

3. The Settlement is substantively fair, reasonable, and adequate in accordance with Rule 23(e) of the Federal Rules of Civil Procedure.

4. Notice of the Settlement was given substantially in accordance with the Stipulation and the Preliminary Approval Order.

5. Accordingly, Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement and General Release is hereby **GRANTED** in all respects, and the Parties are directed to comply with the Stipulation's terms and provisions.

6. The releases set forth in Section VIII of the Stipulation are expressly incorporated herein.

7. The Court retains jurisdiction in this Action for the purposes of enforcing the Stipulation in accordance with Section VII of the Stipulation.

SO ORDERED.

The Clerk of Court is respectfully directed to close this case.

Dated: New York, New York
October 2, 2023



HON. SARAH L. CAVE
United States Magistrate Judge